

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

OSCAR PEREZ-LOPEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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CIVIL ACTION NO. 12-597-KD-M

CRIMINAL ACTION NO. 04-229-KD-M

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated June 6, 2013 (Doc. 99) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Respondent's Motion to Dismiss (Doc. 96) is **GRANTED**, that Petitioner's Motion to Vacate (Docs. 93-94) is **DENIED**, and that this action is **DISMISSED**. It is further **ORDERED** that any certificate of appealability filed by Petitioner be **DENIED** as he is not entitled to appeal *in forma pauperis*.

DONE and ORDERED this the **10th** day of **July 2013**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE